

EDMONDS CITY COUNCIL APPROVED MINUTES

March 1, 2016

The Edmonds City Council meeting was called to order at 7:02 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Kristiana Johnson, Council President
Michael Nelson, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember
Dave Teitzel, Councilmember
Thomas Mesaros, Councilmember
Neil Tibbott, Councilmember

STAFF PRESENT

P. Clark, Police Officer
Linda Coburn, Municipal Court Judge
Phil Williams, Public Works Director
Scott James, Finance Director
Joan Ferebee, Court Administrator
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present.

2. APPROVAL OF AGENDA

COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF FEBRUARY 23, 2016**
- B. APPROVAL OF CLAIM CHECKS #218694 THROUGH #218796 DATED FEBRUARY 25, 2016 FOR \$582,520.48**
- C. CONFIRMATION OF APPOINTMENT OF ROBERT (DOUG) PETERSON TO THE CITIZENS' TREE BOARD**
- D. CONFIRMATION OF JOSEPH HERR TO THE ARCHITECTURAL DESIGN BOARD BUILDER POSITION**
- E. ADOPTION OF GMA COMPLIANCE RESOLUTION**

F. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH FOR THE SEAVIEW PARK INFILTRATION FACILITY

4. AUDIENCE COMMENTS

Dr. Robert Mitchell, Edmonds, announced a Community Disaster Preparedness Town Hall on March 15, 6:30 – 8:30 p.m. at Edmonds Community College. The keynote speaker is Dr. Brian Atwater, world-renowned USGS geologist, earthquake expert and UW professor. The event is sponsored by Fire District 1, Lynnwood Fire and Operation Military Families. The last Cascadia earthquake occurred in January 1700 as described in “Full Rip 9.0” by Sandi Doughton and in a recent New Yorker article by Kathryn Schultz.

5. PRESENTATIONS/REPORTS

A. PRELIMINARY DECEMBER 2015 QUARTERLY BUDGETARY FINANCIAL REPORT

Finance Director Scott James Finance Director Scott James provided questions and multiple choice answers to a quiz that would be revealed at the end of his presentation.

Mr. James displayed a General Fund – Funds Revenue comparison without bond proceeds, pointing out the General Fund is \$2,909,451 ahead of last year, due in part to an \$800,000 transfer from the Contingency Reserve to help pay the FD1 retro bill. He displayed a General Fund Revenue Budget to Actual comparison, highlighting the following:

General Fund Resource Category	YTD Actual		
	12/31/14	12/31/15	% Change
<u>Taxes</u>			
Property Taxes	13,738,273	14,311,029	4.2%
Sales Tax	5,840,764	6,741,838	15.4%
Utility Tax	6,581,319	6,658,967	1.2%
Other Taxes	901,778	946,754	5.0%
Total Taxes	27,062,133	28,658,587	5.9%

He reviewed Sales Tax Analysis by Category December 2015 YTD, pointing out retail automotive is the largest source of sales tax revenue followed by contractors. He displayed a bar graph of Change in Sales Tax Revenue December 2014 compared to December 2015, pointing out contractors had the largest increase, \$526,253 higher in 2015 than 2014.

Mr. James displayed a General Fund – Funds Expenditure Comparison, advising General Fund expenditures are 4.2% higher in 2015 than in 2014, primarily due to paying FD1 \$1,682,000 more in 2015 than in 2014. He reviewed a General Fund Department Expense Summary, advising expenses YTD December are below target with only 93% of the budget expended. However, a budget carryforward amendment of \$957,000 was approved earlier this year for items not completed in 2015 that reduces the expense savings from 7% to 4%.

He displayed a Special Funds Revenue Comparison, advising special revenues are 41.2% higher in 2015, due primarily to Street Construction Funds that are reimbursed with grant funds. Covering those expenses required a \$3 million interfund loan. He displayed a comparison of Motor Vehicle Fuel Tax Revenues that illustrates a modest 1.4% growth over 2014. A graph of Hotel/Motel Lodging Tax Revenues illustrates a constant upward trend, 12.5% higher in 2015 compared to 2014. REET Revenues continue to increase; 43.6% over 2014 in 2015. Preliminary projections indicate this trend will continue into 2016.

Mr. James displayed a Special Revenue Funds Expenditure Comparison, highlighting a 56.1% increase attributable to the interfund loan. He provided a comparison of Utility Fund Revenue, advising revenues are approximately \$2.5 million higher in 2015 compared to 2014 primarily due to water sales increasing by \$51,000 or 10% over 2014, stormwater sales increasing \$47,000 or 4.9% and sewer sales increasing \$512,000 or 9.8%. He provided a Utility Funds Expense Comparison, pointing out the overall increase over 2014 of \$962,000, primarily due to capital expenses for waterline replacement.

He revealed the answers to the quiz questions:

1. How much new construction was added to our total assessed value for 2016?
 - a) \$100,431,960 added in 2008
 - a) \$18,004,460 added in 2011
 - b) \$43,500,982 added in 2016**
2. What was the amount of property tax revenues generated from new construction?
 - a) \$118,044 generated in 2008
 - b) \$33,290 generated in 2011
 - c) \$85,768 generated in 2016**
3. As of December 31, 2015 what is the Seattle-Bellevue-Everett unemployment rate?
 - a) 5.5 as of 12/31/12
 - b) 4.7 as of 12/31/15**
 - c) 4.3 as of 12/31/14

He displayed a line graph of the unemployment rate, highlighting a low of 3.4% in 2006, a high of 9.4% in 2009, dropping to 4.3% in 2014 and 4.7% in 2015. He overlaid the line graph on a bar graph of new construction property tax revenues, pointing out how the two correspond.

Councilmember Mesaros asked how much new construction occurred in the not-for profit world which would not be subject to tax but would generate revenue for the City. Mr. James answered he did not have that information available tonight and offered to email it to Councilmembers. He noted it was fairly significant as Swedish Hospital's renovations were the reason for the significant increase in permit revenue. Councilmember Mesaros commented typically the not-for-profit community is 10% of the economy

Councilmember Nelson observed there was a significant increase in construction sales tax revenue yet development permits were down 10% and asked whether there was a lag between the two. Mr. James agreed there could be a lag; for example the Swedish Hospital construction permits were submitted in 2014 but much of the construction activity occurred in 2015.

Councilmember Teitzel asked whether the first two months of 2015 indicated the increase in new construction revenue would continue at a high pace. Mr. James said a Development Services report provided today indicates permit revenue is still healthy.

Councilmember Buckshnis asked the under budget amount for 2015. Mr. James responded the General Fund revenue comparison illustrated only 93% had been expended; the carryforward of \$958,000 brought the under-budget amount to 4%. He referred to the Fund Balance report in the packet that illustrates the General Fund grew \$1.7 million.

Councilmember Tibbott observed utility expenses exceeded revenues and asked if the excess was paid from reserves. Mr. James advised bonds were issued to cover the large capital outlay. Councilmember Tibbott asked about future utility infrastructure improvements. Public Works Director Phil Williams explained the capital expenditures are from bond proceeds which can distort the annual numbers. Staff will return to Council this year to discuss the utility capital program for the next three years and potential

rate adjustments. The goal is to get water and sewer and eventually stormwater independent of debt for pipe replacement to avoid paying ongoing expenses with bond proceeds. The City is about halfway through that effort.

B. PRESENTATION OF 2015 STATE OF THE EDMONDS MUNICIPAL COURT

Municipal Court Judge Linda Coburn provided highlights of 2015:

- Changes/benefits
 - Makeshift in-court clerk's desk
 - Reduces recording system problems
 - Increases efficient use of clerk time
 - Temporary until revamp of council chambers/court
 - New expired-warrants process
 - Improves timely review
 - Improves administrative workflow
 - Streamlined bail forfeiture procedure
 - Increases responsiveness of bonding companies
 - Efficient clerk time
 - New interpreter scheduling procedure
 - Compliance with court
 - Improved access to justice
 - Efficient clerk time
 - Began development of online payment
 - Faster way for defendants to pay LFOs
 - Efficient use of clerk time
 - Continued research of best practices – paperless court
 - Improved efficiency
 - Improves tracking records
 - Reduces paper need
 - Video in-custody calendar
 - Time for trial
 - Every other day
 - Reduced jail costs
 - Electronic search warrant review
 - Increased availability
 - Increased efficient use of officer time
- Challenges/impact:
 - New judge
 - Law enforcement
 - Indigent defense
 - Jail policies

Judge Coburn reviewed jail costs:

	2014	2015	Percent change
Booking Fee	\$95.94	\$115.00	20%
Daily Fee	\$66.63	\$84-117	26-75%
Budget	\$496,397	\$660,350	33%
Total Jail Cost	\$447,753	\$478,111	6.77%
Total Jail Days Imposed	\$6,919	\$7,006	1.26%
Criminal filings	1,031	907	-12%

She commented on impacts to jail costs:

- Revised video in-custody calendars – about 22 weeks in 2015.
- Warrants issued – 1,564 (2014); 1,376 (2015)
- Jail policies – refusal to book (recent heroin use); request to release high-needs inmates
- Filings

She explained by statute, '[t]he court shall not order a defendant to pay costs unless the defendant is or will be able to pay them.' RCW 10.01.160(3). To determine the amount and method for paying the costs, 'the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.'

-- State v. Blazina, 182 Wn.2d 827, 838, 344 P.3d 680, 685 (2015)

Judge Coburn displayed a comparison of total filings, criminal filings, civil filings and revenues 2010 – 2015, pointing out the number of filings are impacted by the number of police officers. She relayed Police Chief Compaan's expectation that the Street Crimes Unit will be operational by mid-year which will add a sergeant and two officers. Further, a motorcycle officer on injury leave will soon be back on duty. She reviewed expenditures:

Item	Appropriation	2015	Balance	Percent Used
Grand Total	\$883,826	\$856,577	\$26,719	97%
Prof Services (Security)*	39,000	41,331	-2,331	106%
Prof Services Interpreters**	25,000	33,779	-8,779	135%
Miscellaneous	55,100	12,882	42,218	23%

*Savings to the City from increased video in-custody calendar will not be reflected in Court budget because jail costs not under the court.

**New probation officer who speaks fluent Spanish should reduce interpreter cost for probation meetings.

Judge Coburn introduced the new Probation Officer Omar Gamez. She reviewed revenues:

Item	2014	2015	Difference Percent Diff	Percent Diff
Gross total	\$1,078,460	\$1,073,053	-\$5,407	<.005%
Net total	\$719,012	\$677,038	-\$41,974	.06%

Beginning March 1, a \$2 administrative fee will be assessed on debit/credit transactions:

Revenue Change	Number of Credit Card Transactions	Admin. Fee Per Transaction	Total Anticipated Admin Fee Collected
2015	5,697	\$0	\$0
Est. 2016	6,000	\$2	\$12,000

Judge Coburn commented on 2016 impacts:

- Passport processing
 - Plan to document time it takes staff to process passports
- Public defender standards
- Increased police staffing
 - Expect filings to increase
- Online payments
 - Quicker payments
- Paperless court
- New AV system in courtroom/council chambers
 - Permanently installed video in-custody equipment
- New Court Administrator search

- Will post position mid-year

She commented on the separation of powers (executive, legislative, judicial) and expressed her appreciation for the Council's recognition of the importance of a separation to provide checks and balances and having an elected judge.

Councilmember Nelson referred to the rising heroin epidemic and asked how people who are clearly violating the law and missing court but are not allowed to be booked into jail. Judge Coburn explained the City contracts with Snohomish County Jail and Lynnwood Municipal Jail. Defendants with both Lynnwood and Edmonds' matters are book in the Lynnwood Jail and when the Lynnwood matter is concluded they are transferred to Snohomish County. On occasion Lynnwood has transferred defendants with heroin or other drug or mental health issues to SCORE (South Correctional Entity) in south King County. Lynnwood has or is trying to establish video court; Edmonds does not have video court set up with SCORE so an Edmonds officer must transport the defendant to court. Court Administrator Joan Ferebee contacted the Lynnwood Jail and requested they not transfer defendants with a pending Edmonds matter to SCORE.

Chief Compaan is discussing the possibility of Edmonds having video court with SCORE; she did not have details regarding the cost, frequency, etc. SCORE is set up for high need inmates. Another option for defendants with addictions is treating the addiction, the court providing a carrot and a bat; the carrot is the potential to negotiate a better deal if they stay in compliance. The bat when other methods do not work is jail. Many people need to hit bottom before they can climb up. Mr. Gomez will be attending a meeting at Lake Forest Park's municipal court to discuss the heroin problem and its impacts on courts, probation and law enforcement. She summarized there is no magic wand.

Councilmember Tibbott referred to the comparison of criminal filings, observing there were 1,600 in 2010 and 900 in 2015. He asked what type of criminal filings are no longer occurring and what if any impact that has in the community. Judge Coburn referred to the case filings by year by the type of filing. She explained when Top Foods closed, thefts went down; when WINCO opened, thefts increased. When the State allowed liquor to be sold in grocery stores, theft of alcohol went up because it is easier to steal from a grocery store. She could not categorize a type of crime that is not being filed, she continues to see all types including assault, domestic violence, theft, driving while license suspended III; overall filings have decreased a little. There were 1,031 criminal filings in 2014 and 907 in 2015. Councilmember Tibbott asked if 2010 was a bad year. Judge Coburn answered she has been told one of the reason filings are down is due to lower law enforcement staffing. She has been told one of the benefits of the New World system is better tracking of officer time such as discretionary time, time writing reports, time with defendants, etc. which will assist the department with conducting their own analysis.

Councilmember Fraley-Monillas said she serves on the Snohomish County Law and Justice Commission. Mental health is a big issue in the jail; 40% of all incarcerated individuals have some level of mental illness. She asked where defendants who cannot be booked into the Snohomish County Jail due to their mental health diagnosis go. Judge Coburn responded it is more defendants with heroin issues that the jail will not accept. The jail accepts defendants with mental health issues but charges more. One of the issues is people who are not competent; the court cannot proceed with a case until they are found to be competent or found to be non-restorable. That is not being addressed due to the backlog in Western State Hospital. The Edmonds prosecutor has been very reasonable with regard to addressing when an individual is caught in that circle such as looking at the underling crime, whether it was a crime of violence or theft. At some point if they are not going to be seen, a decision needs to be made whether to release them and arrange for out-of-custody evaluation, dismiss and request an evaluation by Snohomish County mental health professional to determine if they meet the requirement for a civil commitment, etc. She

summarized the bar for competency is very low; a person can have a lot of mental health issues and be found competent.

With regard to what else can be done, Judge Coburn explained the district court recently started a mental health court and there has been casual talk among the district court judge and municipal court judges about participating in that. The district's mental health court needs to be well established before proceeding with that discussion. One possibility is the municipalities in this area pooling resources so the mental health court is a traveling court and the experts come to each court. For the mental health court to work, it needs to be as local as possible; requiring a person with mental health issues to take bus to court decreases their ability to succeed.

Councilmember Fraley-Monillas commented a high percentage of individuals with mental health issues are homeless. She asked about defendants in the Edmonds court that are homeless. Judge Coburn said a percentage of defendants are homeless; a lot of transient people come through Edmonds along the Highway 99 corridor and commit a crime in Edmonds although they do not live in Edmonds. The problem is getting people with no transportation or money for bus fare or family support system to return to Edmonds. She considers a defendant's ability to come to court but she cautioned it is not illegal to be homeless. If someone who is homeless that does not have a record of not appearing or a record of serious criminal offenses, being homeless cannot be the only reason they are not allowed to appear out of custody. She explains to defendants that she will have to set bail if they do not appear. She summarized Edmonds was not immune to a homeless population and not all homeless in Edmonds are transient; there are also homeless people living in Edmonds.

Councilmember Buckshnis asked the difference between an infraction traffic and non-traffic. Judge Coburn explained infraction non-traffic is any infraction that is not traffic related such as dog off leash, barking dog, etc. In 2015 there were a lot of dogs-related infractions.

Council President Johnson commented the Council learned from her presentation and looked forward to the new AV improvements for the court/council chambers.

6. ACTION ITEMS

A. REPORT ON BIDS OPENED FEBRUARY 19, 2016 FOR THE SECONDARY CLARIFIER #3 STRUCTURAL REPAIR AND AWARD OF THE CONTRACT TO MCCLURE AND SONS, INC. (\$661,380 INCLUDING SALES TAX)

Public Works Director Phil Williams commented the upgrades to court/council chambers will be installed March 25 – 29. Staff worked with Judge Coburn to change the court calendar for two days to provide five days to complete the project. The first Council meeting in April will be in the revised space.

Mr. Williams explained the secondary clarifier #3 has been slowing failing for quite some time despite repairs over the last 15 years. This project, complete replacement, was put out to bid and 7 bids were received that ranged from the lowest responsive bidder by McClure and Sons at \$661,380 to over \$1.1 million. The engineer's estimate was \$845,000. The construction budget is \$661,380 plus a \$76,138 management reserve, and \$60,048 for in-house project management for a total of \$797,596.

Councilmember Teitzel asked the average lifespan of a clarifier. Mr. Williams explained the treatment plant has 3 secondary clarifiers that have been in place for 25 years; 2 are fine. Something went wrong with this clarifier possibly during construction; it has been slowly cracking and spalling much worse than the other two. The other clarifiers are showing some signs of age, wastewater is very corrosive, and the products it off-gases can be hard on concrete. Failure typically takes decades.

Councilmember Fraley-Monillas encouraged new Councilmembers to tour the treatment plant.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AWARD THE CONTRACT FOR THE SECONDARY CLARIFIER #3 STRUCTURAL REPAIR TO MCCLURE AND SONS, INC. IN THE AMOUNT OF \$661,380 AND AUTHORIZE A MANAGEMENT RESERVE OF \$76,138 FOR CHANGES AND UNFORESEEN CONDITIONS DURING CONSTRUCTION. MOTION CARRIED UNANIMOUSLY.

7. MAYOR'S COMMENTS

Mayor Earling reported:

- The Clam Chowder Cook-off on Saturday was a fabulous success. The Chamber organized the event, 8 restaurants participated and 700 people attended.
- Edmonds-Woodway Girls Basketball Team is going to State finals this weekend.
- PSRC analyzed and approved the City's Edmonds Comprehensive Plan. He distributed PRSC's notification.
- He established the Mayor's Task Force on Pedestrian Safety and appointed the following members: Councilmember Mike Nelson, Public Works Director Phil Williams, City Engineer Rob English, Transportation Engineer Bertrand Hauss, Police Sergeant Karl Roth; and citizens Michael Reagan, Janice Freeman and Pam Stuller. The task force will consider conflicts between pedestrian and automobiles and seek positive results from a community discussion.
- He appointed Mike Schindler and George Bennett to the new Economic Development Commission

8. COUNCIL COMMENTS

Councilmember Buckshnis thanked everyone who has continued to contact her with comments regarding the Critical Areas Ordinance. She thanked City Attorney Jeff Taraday and Councilmember Fraley-Monillas for helping her develop an amendment. She thanked the 17 citizens who applied for the EDC; their resumes are great and reflect a breadth of knowledge. She will announce her appointment soon.

Councilmember Nelson commented the upcoming Council retreat agenda includes discussion regarding homelessness. He relayed in January 2014, of the 966 people without permanent housing counted in Snohomish County, 200 were under 18, 68 were veterans, 188 had serious mental illnesses, and 122 were victims of domestic violence. He provided a quote from Mother Theresa, "We think sometimes that poverty is only being hungry, naked and homeless. The poverty of being unwanted, unloved and uncared for is the greatest poverty. We must start in our own homes to remedy this kind of poverty." He looked forward to working with the Mayor and Council at the retreat to begin remedying this kind of poverty in the City and the community.

Councilmember Fraley-Monillas appreciated the Council's new found interest in looking at the homeless situation in Edmonds. For a long time she has felt like a single branch on a tree speaking out about the homeless that live in and around her neighborhood. She noted the homeless may not be counted but they are there. She reported on a mini-vacation she took to Disneyland with her family, returning today.

Councilmember Teitzel was pleased to read in My Edmonds News about the new art institute that is purchasing the Mar-Vel Marble building site on 2nd and Main. Their plans include a mixed use building with commercial or art space on the first floor and possibly residential space above.

Councilmember Mesaros thanked Councilmember Nelson for his well stated comments. He agreed with Councilmember Fraley-Monillas it was time the Council spent some time, energy and effort on finding solutions to homelessness. He recently returned from Arizona and while away, participated in Council

meetings by phone and through video. He found it much easier to hear the meeting by watching the video but there is a 15 second delay which was the reason he voted 15 seconds late at one meeting. He anticipated the AV upgrades may improve that experience.

Council President Johnson announced the Council retreat on Friday (9:00 a.m. to 5:00 p.m.) and Saturday (9:00 a.m. to 1:00 p.m.) in the Library Plaza room and offsite for part of the day.

9. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)

At 8:19 p.m., Mayor Earling announced that the City Council would meet in executive session regarding pending or potential litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 15 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Nelson Fraley-Monillas, Buckshnis, Teitzel, Mesaros and Tibbott. Others present were City Attorney Jeff Taraday and City Clerk Scott Passey.

At 8:35 p.m. Mayor Earling emerged from the Jury Meeting Room to announce that the executive session would be extended for five minutes. The executive session concluded at 8:40 p.m.

10. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

Mayor Earling reconvened the regular City Council meeting at 8:42 p.m.

11. ADJOURN

With no further business, the Council meeting was adjourned at 8:42 p.m.